



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,914	11/09/2001	Luc E. Julia	62624-012	1477
30554	7590	01/26/2006		
SHEMWELL MAHAMEDI LLP 4880 STEVENS CREEK BOULEVARD SUITE 201 SAN JOSE, CA 95129			EXAMINER HOSSAIN, FARZANA E	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/006,914	Applicant(s) JULIA ET AL.	
	Examiner Farzana E. Hossain	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because they fail to show Figure 3a, 152, 153a-d, Figure 3b, 151a, b, 152, 153, a-d, 154, Figure 4, 185, 190a-g, 154 as described in the specification. The figures will be easier to understand if they are properly labeled.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: System and Method for Interactive Television with a Television and a Computer.

Claim Objections

3. Claim 8 is objected to because of the following informalities: Claim 8 recites the limitation "a device" in Line 4. The Office assumes "a device" to be --the first device--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 13, 17, 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 13 recites the limitation "the second device is a computer" in Line 4. There is insufficient antecedent basis for this limitation in the claim. There is no mention of a second device in Claim 8. The Office assumes "the second device is a computer" to be -- the computer is a second device --.

7. Claim 17 recites the limitation "displaying the interactive content on the second device" in Lines 1-2. There is insufficient antecedent basis for this limitation in the claim. There is no mention of a second device in Claim 15. The Office assumes "displaying the interactive content on the second device" to be --displaying the interactive content on the computer --.

8. Claim 19 depends from Claim 13. Claim 19 recites the limitation "the second device is a computer" in Line 7. There is insufficient antecedent basis for this limitation in the claim. There is no mention of a second device in Claim 15 or the assumed 17. The Office assumes "the second device is a computer" to be -- the computer is a second device --.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

Art Unit: 2617

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lortz (US 6,349,410).

Regarding Claim 1, Lortz discloses a method of interacting with a device (Figure 3) comprising the step of: receiving from a network a signal (Column 5, lines 51-56), the signal sent to the network from a computer or web pad responsive to an input (Column 5, lines 57-62), wherein the signal facilitates the changing of a state of the device (Column 5, lines 57-62).

Regarding Claim 4, Lortz discloses a method of interacting with a device coupled to a network (Figure 3, 22, 10) comprising the steps of: receiving from a network a signal generated by computer responsive to an input (Column 5, lines 55-57), the signal used to change a state of a device (Column 5, lines 57-62); and transmitting the signal to a device (Column 5, lines 57-62).

Regarding Claim 7, Lortz discloses a system for interacting between a computer and a device wherein the computer and device are connected to a network (Column 5, lines 54-58), the system comprising a computer with a graphical interface (Figure 3, 82) and a set-top box (Figure 3, 10), wherein the set-top box receives from a network a signal generated by computer responsive to an input (Column 5, lines 57-62), the signal used to change a state of a device (Column 5, lines 57-62), and wherein the set-top box transmits the signal to a device (Column 5, lines 55-62, Figure 3, 83).

Regarding Claim 8, Lortz discloses a method for interacting with a device comprising the steps of: receiving a signal at a first device (Figure 3, 14, 10); receiving interactive content at a computer (Column 5, lines 55-57), the interactive content corresponding to a signal received at the first device (Figure 3, 12, 14, 10); and displaying the interactive content on a display of the computer (Figure 3, 82).

Regarding Claim 15, Lortz discloses a method for interacting with a device comprising (Figure 3) the steps of: transmitting a signal to a device (Figure 3, 22, 10); and transmitting interactive content to a computer (Figure 3, 80, Column 5, lines 55-57), the interactive content corresponding to the signal transmitted to the first device (Column 6, lines 13-27).

Regarding Claims 2, 5, 11, 16, Lortz discloses all the limitations of Claims 1, 4, 8, and 15 respectively. Lortz discloses that the device is a television (Figure 3, 22).

Regarding Claims 3, 6 Lortz discloses all the limitations of Claims 1, 4 respectively. Lortz discloses that the computer includes a graphical interface (Figure 3, 82).

Regarding Claim 9, Lortz discloses all the limitations of Claim 8. Lortz discloses that the interactive content received at a computer is responsive to the signal received at a device (Column 6, lines 13-27).

Regarding Claim 10, Lortz discloses all the limitations of Claim 8. Lortz discloses the interactive content is received at a computer simultaneous with the signal received at a device or streaming video content points to the website or URL and the viewer is watching both the video and interactive content.

Regarding Claims 12 and 18, Lortz discloses all the limitations of Claims 8 and 15 respectively. Lortz discloses that the interactive content is received over a network (Column 5, lines 55-57).

Regarding Claims 13 and 19, Lortz discloses all the limitations of Claims 8 and 17 respectively. Lortz discloses that the computer is a second device (Figure 3, 80)

Regarding Claims 14 and 20, Lortz discloses all the limitations of Claims 13 and 19 respectively. Lortz discloses the computer has a graphical interface (Figure 3, 80).

Regarding Claim 17, Lortz discloses all the limitations of Claim 15. Lortz discloses displaying the interactive content on the computer (Column 5, lines 55-62, Column 6, lines 13-27).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mitchell (US 2002/0162120) and Walker et al (US 6,263,505 and hereafter referred to as "Walker").

Mitchell discloses a set top box connected to a television and a remote device with a display that can play supplemental content (Figure 1).

Walker et al discloses a television receiver and a computer receiving interactive content (Figure 1).

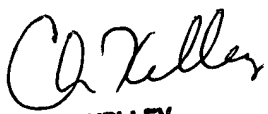
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH
January 18, 2006


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600